



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/369,502 08/05/99 KASHEF

F VISAP018/P10

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MM91/1107

EXAMINER

TAYLOR, J

ART UNIT

PAPER NUMBER

2876

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/369,502

Applicant(s)

KASHEF ET AL.

Examiner

Larry D Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Receipt of Amendment

1. Receipt is acknowledged of the amendment filed 2 August 2001

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eaton et al. (US 6,012,050, of record), in view of Wilkinson et al. (WO 98/19237, of record).

Eaton teaches a transaction system that utilizes an ATM terminal 93, the system comprising an operating system and terminal hardware and an environmental services layer L4 that is dependent upon the operating system and/or hardware. The layers, labeled collectively as the Integrated Channel Manager 100, contains applications to select and activate environment dependent services 111-115, the applications independent from the hardware or operating system and allowing multiple channels to be accessed (see figures 2-4, col. 4, line 5 – col. 5, line 8). The environmental dependent services may consist of any combination of structures, affording the possibility of identical structures. Interfaces 132, 134, 136 allow the applications to identify an environmental dependent services layer. A business logic layer (item 130 of figure 3) contains interfaces 122, 124, 126 and modules 142, 144, 146, 148 that are responsible for executing business application commands and functions. Layer L6 provides services that enable peripheral devices to be accessed (col. 4, lines 66-67). Multimedia

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services can also be accessed, those including a user interface or printing means (col. 6, lines 27-34). The system may be used as a loyalty card service.

Eaton fails to teach the terminal application as compatible with a smart card, the card's information able to use different modules or applications, and the terminal application as portable to a plurality of terminals.

Wilkinson teaches using a smart card 10 to control communication with a terminal, the card being recognized and identified by the terminal application when presented to the card reader (see figure 13 and page 24, line 14 – page 25, line 4) and supplying applications to be used within the terminal. The card contains multiple card applications. The applications utilized may be provided by different companies using different terminals (page 6, line 33 – page 7, line 1). It would have been obvious to one of ordinary skill in the art to employ the use of the card with the system of Eaton. It is well known in the art to use cards to transport data from one card-reading terminal to another. The data containing different applications would afford the terminal of Eaton to become more versatile in the types of transactions it can handle. This also allows different terminals to employ similar applications, as the card would be readily portable and available to operate successfully with the terminal.

Although the teachings do not specify the business layer implementing business policies if the card is not recognized, it would have been obvious to employ such a feature within the system. Official Notice is taken that it is known in the art for terminals of financial institutions to implement features if, per se, the card of a user is not recognized. For instance, if a customer is trying access funds with the card at a terminal, but the card is not recognized, the terminal applications with enable certain business policies, such as asking for other types of account identifiers or penalizing an account for using an incorrect card.

Response to Arguments

4. Applicant's arguments filed 2 August 2001 have been fully considered but they are not persuasive.

5. In response to page 2, paragraph 3 of applicant's arguments, the Examiner contends that blocks 111-115 do constitute justifiable external environment dependent services. These services are entities that are used depending with the environment or nature of a customer's transaction. For example, if a major purchase is made by the customer, block 115 is dependently called upon by the system's software to access any pertinent data regarding an appropriate insurance for that purchase. If stocks and shares are owned by the customer, the software will initiate a call to block 111 for an offer of further stocks (see Eaton, col. 5, lines 38-42). The hardware and software within the interface of the Channel Manager 100 is managed to be dependent and useable on the platform of which the interface is connected, meaning that the functions of a specified environmental service is dependent upon on the hardware and software of the channel of the system of which it is connected to (col. 3, lines 54-58).

6. In response to page 2, paragraph 5 of applicant's arguments, the Examiner contends that the channel-specific hardware and software is different and specific for all the channels leading to the different service channels, the ATM, for one example. As stated, within the text of Eaton col. 4, lines 5-8, since the business application would affect the entire system, it is seen that no matter what type of hardware or software that is present within the ATM (its respective channel), the application would be independently run.

7. In response to page 2, paragraph 6 of applicant's arguments, the Examiner points to Eaton col. 6, lines 1-9, wherein a loyalty card may be applied to this system.

8. In response to page 3, paragraph 2 of applicant's arguments, the Examiner restates the common practice for financial institutions to implement basic business logic features. One need

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only turn to a standard ATM machine, whereas if a customer inserts a card not carried by the ATM's bank or enters a wrong PIN, the customer may be prompted to provide additional information or the card may be denied or even retained, if parameters of suspicion of fraud or theft are detected. These standard business practices are notoriously well known and would be obvious to expect within a financial transaction system.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

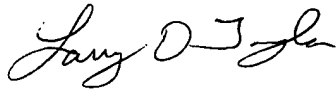
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor
October 26, 2001



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800